

Flygtningenævnets baggrundsmateriale

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|---------------------------------|-------------------------------------|
| Bilagsnr.: | 162 |
| Land: | Burma |
| Kilde: | Freedom House |
| Titel: | Freedom of the Press 2016 – Myanmar |
| Udgivet: | 28. september 2016 |
| Optaget på baggrundsmaterialet: | 4. januar 2017 |



Freedom of the Press 2016 - Myanmar

Publisher [Freedom House](#)

Publication Date 28 September 2016

Cite as Freedom House, *Freedom of the Press 2016 - Myanmar*, 28 September 2016, available at: <http://www.refworld.org/docid/57f361d936.html> [accessed 21 December 2016]

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Press Freedom Status: Not Free

Legal Environment: 23 / 30 (0 = best, 30 = worst)

Political Environment: 28 / 40 (↓1) (0 = best, 40 = worst)

Economic Environment: 22 / 30 (↑1) (0 = best, 30 = worst)

Press Freedom Score: 73 / 100 (0 = best, 100 = worst)

Quick Facts

Population: 52,147,000

Net Freedom Status: Not Free

Freedom in the World Status: Not Free

Internet Penetration Rate: 2.1%

Overview

Several developments in 2015 pointed to an increasing diversification of Myanmar's media landscape, including the approval of reforms affecting the broadcasting sector, and rapidly increasing internet usage. However, the media is deeply polarized along political lines, and the government maintained tight control over the media sector through various methods, including the employment of harsh laws dating to the era of military rule that remain on the books. In addition to prosecutions, media workers also risk threats and physical violence in response to critical or investigative coverage, particularly of the government, the military, and rebel groups. Independent outlets struggle for financial sustainability.

Key Developments

- While the national election commission limited reporters' election-day access to specific districts, media workers were for the most part able to cover the 2015 parliamentary elections without incident.
- The Broadcasting Law, approved in August, enabled private companies to enter the broadcast market for the first time. However, it maintains presidential control over the broadcasting sector, and the Broadcasting Council it established is susceptible to political interference.

- After parliamentary speaker Thura Shwe Mann and his allies were purged from leadership ranks in August, suspensions were issued against two newspapers and a radio station that were associated with him.
- Internet penetration increased to 22 percent in 2015, up from just 2 percent in 2013, increasing residents' access to independent news and information.

Legal Environment: 23 / 30

The 2008 constitution provides for freedoms of expression and of the press, while at the same time setting out broad and ambiguous conditions under which these rights may be curtailed. A number of laws include provisions that can be used to restrict journalistic activity. For example, the 1950 Emergency Provisions Act bans content that would "affect the morality or conduct of the public or a group of people in a way that would undermine the security of the Union or the restoration of law and order." The 2004 Electronics Transactions Law prohibits the electronic transfer of information liable to undermine national security, including communications about cultural or economic affairs, and has been used to imprison journalists. The 2013 Telecommunications Law allows the government to intercept any information that threatens national security or the rule of law. Other laws, including defamation provisions in the penal code and the 1923 Official Secrets Act, have also been applied in ways that restrict media freedoms.

A number of defamation and other prosecutions against journalists by government actors were documented in 2015. In March, an editor and journalist with the *Myanmar Post* weekly were each sentenced to two months in jail on defamation charges after a military lawmaker accused them of misquoting him in a report about the allocation of seats in parliament. In June, the Ministry of Information filed contempt of court proceedings against 17 senior editorial staff members at the *Daily Eleven* for reporting on the ministry's expenditures. Several people were arrested or interrogated for satirical social media posts deemed insulting to the government during the year. Separately, three journalists and two owners of the *Bi Mon Te Nay* journal who were convicted of defamation in 2014 were released as part of a presidential amnesty in July 2015.

In August 2015, parliament ratified the Broadcast Law, the third media-related law approved since the end of prepublication censorship in 2012. It maintains presidential control over the broadcasting sector, though it also enables private companies to enter the broadcast market for the first time, allocating licenses between public service, commercial, and community media sectors. Broadcasters were previously required to partner with the state-owned Myanmar Radio and Television (MRTV). The law establishes a Broadcast Council authorized to issue and revoke broadcast licenses, but the president will appoint its members, undermining its independence.

The other two new media laws were approved in 2014. The Printers and Publishers Registration Law was drafted by the Ministry of Information. Although it removed the legal threat of imprisonment for journalists posed by its 1962 predecessor, it gave the government the right to withhold media licenses and ban reporting that is harmful to "national security, rule of law or community peace and tranquility," or that "insults religion" or violates the constitution. The Media Law was drafted by the interim Myanmar Press Council (MPC) and contains strong protections for press freedom, including the increased use of mediation to settle disputes. However, in late 2014, the Ministry of Information sued 11 staff members at the *Myanmar Thandawsint* (*Myanmar Herald*) for publishing critical commentary about President Thein Sein, content it said violated the law's code of conduct. In July 2015, the former chief editor and a deputy editor were convicted and received the maximum fine of 1 million kyat (\$900); the other nine were acquitted.

The Ministry of Information withdrew a draft Public Service Media Law under consideration in parliament in March 2015. Critics said the law, designed to transform the state-run media into

public-service outlets, contained no provisions to ensure editorial independence and would create a publicly funded, progovernment media conglomerate.

The courts lack the independence to try media-related cases impartially. There is no freedom of information law in Myanmar, and access to government officials and the military is inconsistent. However, journalists' organizations are active in pressing for more openness by the authorities, and their efforts are supported by foreign embassies and international media development organizations.

The interim MPC formed in 2012 was replaced by the permanent, self-regulatory Media Council in December 2015. Though some members were elected, others were appointed by the government, media, and civil society groups; some media representatives said the process lacked transparency and refused to participate in the vote for the elected positions.

Political Environment: 28 / 30 (↓1)

Media outlets are able to cover political news with relative freedom, addressing topics that were once considered off-limits and scrutinizing the activities of the government and legislature. However, Burmese-language state media continue to avoid topics that could lead to criticism of the government or military, and interethnic tension remains a sensitive subject, especially with respect to Buddhists and Muslims. Independent media organizations formerly in exile continued to assimilate into the media landscape in 2015, while outlets affiliated with ethnic minority groups continue to register and obtain licenses, and minority journalists continue to assert themselves at media conferences and other discussions and workshops on media pluralism.

Leading up to the 2015 parliamentary elections, in which the opposition National League for Democracy (NLD) won a landslide victory, a partisan split between state-run and independent media coverage emerged more clearly. State-run media largely adhered to the incumbent Union Solidarity and Development Party (USDP) party line and highlighted USDP candidates, while independent media focused on the NLD and its leader, Aung San Suu Kyi.

Government promises to increase their communications with the press have yet to be fully met. In May 2015, journalists were expelled from parliament, reportedly in retribution for reporting critically about parliament members. In August, the Union Election Commission (UEC) issued restrictions on election-day coverage by journalists, limiting them to accreditation in one township, which they extended to one district after the interim press council complained. The UEC also banned from official state media any political campaign materials that disrespected the military or 2008 Constitution. In 2014, Information Minister Ye Htut said journalists from independent media outlets would soon be able to join a press corps with access to the presidential palace and other facilities and events previously reserved only for state-owned media. By April 2015, the government had accredited several dozen reporters to join the press corps, though few briefings have been held.

Although prepublication censorship was eliminated in 2012, many journalists and editors exercise self-censorship to avoid being punished for the content of their reporting. Military officials threatened journalists with criminal charges, police impeded coverage of protests, and the Ministry of Information suppressed outlets affiliated with an ousted leader during 2015. In January, a military-run publication threatened legal action against anyone reporting allegations of army involvement with the killing of two ethnic Kachin women. In May, the Myanmar army sent a statement to the interim press council warning that they would prosecute anyone quoting or providing a forum for the Myanmar National Democratic Alliance Army, an armed rebel group. Police assaulted and detained reporters covering student protests in Letpadan, in central Myanmar, in March. The same month, reporters were detained while covering a strike at garment factories in Yangon; additionally, workers said intelligence agents had posed as journalists and had

interviewed the strike's organizers in order to gain information. In August, after President Thein Sein purged parliamentary speaker Shwe Mann and his allies from the leadership ranks, the Ministry of Information ordered two publications run by the USDP and associated with Shwe Mann, the *Union Daily* newspaper and the weekly journal *Leader*, to suspend operations; their status was unclear at the year's end. The Cherry FM radio station, which is linked to his daughter-in-law, also lost its signal for several days.

Physical violence and harassment directed against members of the press continued in 2015. In addition to attacks by police, journalists reported surveillance and impromptu interrogations by plain-clothed officials at protests. Many also reported threats and harassment from Buddhist nationalist groups in response to coverage of the Muslim Rohingya minority. Foreign journalists reported delays receiving visa approval from the Ministry of Information, and at least one reported that threats to deny entry can follow negative coverage.

Economic Environment: 23 / 30 (↑1)

Although private ownership in the media sector has expanded in recent years, it remains highly concentrated, and state-affiliated outlets continue to hold a dominant position. Infrastructure for production and distribution of print and broadcast media is largely monopolized by the state, so only those with significant resources can compete in the commercial market. The country's press corps is lively and growing, but largely young and undertrained.

The largest print outlets are state-run. The private print sector is growing, although independent investors are hampered by the entry costs, especially in the daily newspaper market. The private Mizzima Media Group, which operated in exile until 2013, ceased publication of a Burmese-language daily in March 2015 for financial reasons, though it continues to publish online in both English and in Burmese. High levels of poverty and illiteracy, along with poor infrastructure and distribution networks, mean that print media are accessible mainly in urban areas. Authorities no longer restrict the importation of foreign news periodicals.

Most Burmese look to broadcast outlets for news. Broadcast media remain controlled by the state, although the Broadcast Law will permit diversified media ownership. Six public television stations are available, with five controlled by the Ministry of Information and one by the armed forces. The eight domestic FM radio channels are controlled by the government or its allies. Radio programs transmitted from abroad by Voice of America and Radio Free Asia are accessible and popular. Because of high monthly subscription fees to access satellite television, many Burmese viewers install the receivers illegally.

The telecommunications sector has long been dominated by the state-owned Myanmar Posts and Telecommunications (MPT), but operating licenses were granted to Norway's Telenor and Qatar's Ooredoo in 2013. The two firms began offering mobile services in 2014, and the investment and competition has driven down costs and improved service, increasing residents' access to independent news and information. Internet penetration increased to 22 percent in 2015, up from just 2 percent in 2013. Cellphone penetration topped 70 percent in 2015, and many devices have internet capabilities. Myanmar's international bandwidth is also growing quickly, though internet connections remain slow and unstable.

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